

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DARRICK M. ALEXANDER,)
Petitioner,)
v.) Civil Action No. 3:20CV888-HEH
ALISA A. GREGORY,)
Respondent.)

MEMORANDUM OPINION
(Dismissing Without Prejudice § 2254 Petition)

Petitioner, a Virginia inmate proceeding *pro se*, filed a 28 U.S.C. § 2254 petition (“§ 2254 Petition,” ECF No. 3). Before a state prisoner can bring a § 2254 petition in federal district court, the prisoner must first have “exhausted the remedies available in the courts of the State.” 28 U.S.C. § 2254(b)(1)(A). Exhaustion is accomplished by presenting the claims to the Supreme Court of Virginia for review either on direct appeal or by a state habeas proceeding. Petitioner’s § 2254 Petition fails to indicate that he has presented his claims to the Supreme Court of Virginia by direct appeal or in a state habeas proceeding. Accordingly, by Memorandum Order entered on March 10, 2021, the Court directed Petitioner, within eleven (11) days of date of entry thereof, to show cause why the Court should not dismiss his § 2254 Petition for lack of exhaustion. The Court also explained that the failure to do so would result in the dismissal of the § 2254 Petition without prejudice to re-file after Petitioner has exhausted his state court remedies for all of his claims.

More than eleven (11) days have elapsed, and Petitioner has not filed a response to the March 10, 2021 Memorandum Order. Accordingly, the action will be dismissed without prejudice.

An appropriate Order shall accompany this Memorandum Opinion.



/s/

HENRY E. HUDSON
SENIOR UNITED STATES DISTRICT JUDGE

Date: April 17, 2021
Richmond, Virginia